

REMARKS

Claims 1, 4, 25-28, 31-32, 38-42 and 51-54 are pending in the above-referenced application. Claim 1, 4, 25, 26, 27 and 28 have been amended to more distinctly claim that which Applicants regard as their invention. Applicants note that the term "thiophenyl" has been replaced with "thienyl" since "thienyl" is the proper term for the structure. No new matter is added. These amended claims are supported by the specification.

1. The Rejections Under 35 U.S.C. 112, first paragraph

Claims 1, 3-4, 25-28, 31-32, 38-42 and 51-54 have been rejected under 35 U.S.C. 112, first paragraph. In the Examiner's view, it is asserted that the specification does not reasonably provide enablement for A¹, A² equal to all saturated, unsaturated or aromatic 5-6 membered cyclic ring systems containing one or more carbon atoms and optionally from one to four heteroatoms selected from N, O or S, Ar equal to all heteroarylenes M equal to all heterocyclyl, heteroaryl, or heteroarylalkyl groups, wherein heterocyclyl is a saturated or unsaturated non-aromatic group having 5 or 6 ring atoms containing one to four carbon atoms and one to four heteroatoms selected from N, O or S, where Heteroaryl is a 5 to 6 membered monocyclic or a 9 to 10 membered bicyclic aromatic system containing one or more heteroatoms selected from N, O or S encompassed in formula I in claim 1 on pages 2-3 of the application.

Applicants respectfully traverse the rejection. Applicants note that pending claim 1 recites that A¹ and A² are independently of each other a saturated, unsaturated or aromatic 5-6 membered cyclic ring system containing one or more carbon atoms and optionally from one to four heteroatoms selected from N, O or S, selected from the group consisting of cyclopentyl, cyclohexyl, phenyl, thienyl, furanyl, pyridinyl. Furthermore pending 1 does define heteroaryl and heteroarylalkyl. Heterocyclyl is not included in the definition. However, Applicants do note that claim 1 has been amended to more clearly define the terms in question. A¹ and A² are defined as a saturated, unsaturated or aromatic 5-6 membered cyclic ring system selected from the group consisting of cyclopentyl, cyclohexyl, phenyl, thienyl, furanyl, pyridinyl; Ar is defined as a saturated, unsaturated or aromatic 5-6 membered cyclic ring system selected from the group consisting of cyclopentyl, cyclohexyl, phenyl, thienyl, furanyl, pyridinyl and M is defined as is

OR⁷, where R⁷ is hydrogen, C₁₋₁₂-alkyl, C₄₋₁₂-alkenynyl, C₂₋₁₂-alkenyl, C₂₋₁₂-alkynyl, aryl, arylalkyl, C₁₋₁₂-alkoxyC₁₋₁₂-alkyl, acyl, heteroaryl, or heteroarylalkyl groups optionally substituted with one or more halogen, perhalomethyl, hydroxy, nitro or cyano or M is COYR⁸; R⁸ is hydrogen, C₁₋₁₂alkyl, C₄₋₁₂-alkenynyl, C₂₋₁₂-alkenyl, C₂₋₁₂-alkynyl; Y is oxygen; k is an integer from 1 to 2, n and m are 1; wherein heteroaryl is selected from furanyl, thiophenyl and pyridinyl; aryl is selected from the group consisting of phenyl and naphthyl; arylalkyl is selected from the group consisting of benzyl, phenethyl, 3-phenylpropyl, 1-naphthylmethyl, 2-(1-naphthyl)ethyl; heteroaryloxy is a heteroaryl group linked to an oxygen atom, wherein said heteroaryl is selected from furanyl, thiophenyl and pyridinyl; heteroarylalkoxy is a heteroarylalkyl group linked to an oxygen atom, wherein said heteroarylalkyl is a straight or branched saturated carbon chain containing from 1 to 6 carbons substituted with a heteroaryl group, wherein said heteroaryl is selected from furanyl, thiophenyl and pyridinyl. Applicants further note that claims 4, 25, and 26 have also been amended to more clearly define "aryl" and "heteroaryl". Claim 3 has been cancelled

In view of the amendments to claim 1, 4, 25, and 26, Applicants assert that the rejections under 35 U.S.C. 112, first paragraph has been overcome. Therefore, Applicants respectfully request that the rejection be withdrawn.

2. The Rejections Under 35 U.S.C. 112, Second Paragraph

Claims 1, 3-4, 25-28, 31-32, 38-42 and 51-54 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it is stated

In claim 1, line 1, page 2 and all other occurrences throughout the claims 3-4, 25-28, 31-32, 38-42, 51-54, the phrase "5-6 membered cyclic ring", in lines 4-5, the terms "heterocyclyl", "heteroarylalkyl", "heteroaryloxy", "heteroarylalkoxy" and in line 22, the term "arylene" or "heteroarylene" and all other occurrences in claims 2-5, 15-16, 25-28, 31-32, 38-42 is indefinite. These terms are so broad as to render this claim meaningless. For example, what "heterocyclyl" ring is the applicant claiming? These terms are indefinite in all occurrences throughout the application.

In response and as noted above, claims 1, 4, 25 and 26 have been amended to more distinctly define the terms in question. Specifically, the aromatic 5-6 membered cyclic ring system is recited to be selected from the group consisting of cyclopentyl, cyclohexyl, phenyl, thienyl, furanyl, pyridinyl; the heteroaryl is selected from furanyl, thienyl and pyridinyl; heteroaryloxy is recited to be a heteroaryl group linked to an oxygen atom, wherein said heteroaryl is selected from furanyl, thienyl and pyridinyl; heteroarylalkoxy is defined to be a heteroarylalkyl group linked to an oxygen atom, wherein said heteroarylalkyl is a straight or branched saturated carbon chain containing from 1 to 6 carbons substituted with a heteroaryl group, wherein said heteroaryl is selected from furanyl, thienyl and pyridinyl; arylene is recited to be a divalent aromatic ring, selected from the group consisting of phenylene and naphthylene and heteroarylene is recited to be a divalent heteroaryl group selected from furanyl, thienyl and pyridinyl. "Heterocyclyl" is no longer included in the claim. Claim 3 has been cancelled.

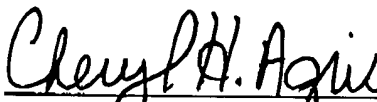
In view of the amendment of claims 1, 4, 25 and 26 and the above arguments, Applicants assert that the rejections under 35 U.S.C. 112, second paragraph have been overcome. Therefore, Applicants respectfully request that the rejections be withdrawn.

3. Conclusion

In view of the above, it is respectfully submitted that all of the pending claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone at (914) 712-0093 if there are any questions concerning this amendment or application.

Respectfully submitted,

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